

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UVC CLEANING SYSTEMS INC

PLAINTIFF

V.

CIVIL ACTION NO. 3:24-CV-344-KHJ-MTP

ULTRAVIOLET CDE SANITATION LLC, et al.

DEFENDANTS

ORDER

Before the Court is Plaintiff UVC Cleaning Systems Inc.’s (“UVC”) unopposed [5] Motion to Remand. The Court grants the motion.

On May 1, 2024, UVC brought a state-court breach-of-contract action against Ultraviolet CDE Sanitation LLC and Tony L. Gines (collectively “Defendants”). *See* Compl. [1-1] at 1. UVC is a Pennsylvania corporation with its principal place of business in Michigan. Pl.’s Mem. [7] ¶ 3. Defendants are Mississippi citizens. *Id.* ¶ 4; *see also* Notice of Removal [1] ¶ 4; [1-1] at 1.

Defendants removed the case from the County Court of Madison County, invoking this Court’s diversity jurisdiction. *See* [1] ¶¶ 1, 5. UVC moves to remand because “Defendants . . . are domiciled in the forum state of Mississippi.” [7] ¶ 7. UVC relies on 28 U.S.C. § 1441(b)(2), which states that “[a] civil action otherwise removable solely on the basis of [diversity jurisdiction] may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” *Id.* ¶ 5. Defendants “do not oppose [UVC’s] Motion to Remand.” Defs.’ Resp. [9].

UVC is correct that the forum-defendant rule prevents removal of “an action on the basis of diversity of citizenship if . . . [any] defendant is a citizen of the forum state.” *Pace v. Cirrus Design Corp.*, 630 F. Supp. 3d 821, 824 (S.D. Miss. 2022), *aff’d*, 93 F.4th 879 (5th Cir. 2024) (quotation omitted). Here, both Defendants are citizens of the forum state—Mississippi. [1] ¶ 4; [1-1] at 1. Given this and the Defendants’ lack of opposition, the Court grants UVC’s [5] Motion to Remand.

Accordingly, the Court REMANDS the case to the County Court of Madison County.

SO ORDERED, this 25th day of July, 2024.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE